



2022 OHIO REGIONAL EMPLOYER CONFERENCE



The Accelerating Evolution of the Workplace...We Got This!

Thursday | October 6, 2022

8:30 a.m. — 9:15 a.m.

Registration & Breakfast

9:15 a.m. — 10:30 a.m.

2022 Employment Law Update

A perennial favorite at the firm's Executive Employer Conference, now brought to the Ohio Regional Employer, is a fast-paced, highly entertaining session that provides a unique opportunity to understand the latest court cases, legislative and regulatory activity and crucial developments that will affect your workplace and your responsibilities. As in the past, we have assembled a terrific panel of Littler attorneys who will guide you through the maze of new developments and prepare you for the challenges ahead.

Edward Chyun, Ryan Morley, Shannon Patton, Brian FitzGerald

10:30 a.m. — 10:45 a.m.

Break

10:45 a.m. — 11:45 a.m.

1A Breakout | The State of Labor Relations Through the Littler Lens

The National Labor Relations Board, through General Counsel Jennifer Abruzzo, is trying to make good on President Biden's pledge to be the most union-friendly administration in history. The Biden administration's policies, combined with the pandemic, social justice issues, and social media have created an environment for unions to attempt to reverse decades of decline. Today's workforce is looking for a cause, and unions are stepping in to try to fill the void. Join some of Littler's traditional labor law attorneys for a discussion about practical advice and guidance to employers navigating the agenda of the Biden Board and general counsel.

Areas of focus will include:

- Union organizing trends
- The labor-related challenges of employing a multigenerational workforce, including demands of younger workers for non-traditional benefits such as a voice in the boardroom or climate change commitment
- GC Abruzzo's agenda and efforts to drastically change Board law and the potential implications for employers

Explore this complex and consequential state of labor relations with Littler's experienced labor relations attorneys.

James Smith, Jason Hartzell

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1B Breakout | The Impact of the *Dobbs* Case on Benefits and Employment

As a result of the Supreme Court decision overturning *Roe v. Wade*, employers now face a number of employment-related issues —compliance challenges with respect to their benefit plans as well as leave and accommodation issues. This session will discuss what medical benefit changes may need to be made with respect to providing reproductive healthcare coverage through medical plans, an overview of state-level regulation, if and to what extent such state regulations may be preempted by ERISA, and the compliance and possible tax issues associated with reimbursing travel expenses for employees seeking care outside their home state. Further, it will address *Dobbs*' impact on leave and accommodation issues under the FMLA and ADA.

Bonnie Kristan, Eric Field, Monica Sislak

11: 45 a.m. — 1:15 p.m.

Lunch Session | Finding Beauty In Change: The Metamorphosis of Work

Littler Attorney Claire Deason examines the idea that the change we are living through in our workplaces – in the U.S. and around the world – is more than a pandemic, more than a shift in generations, and more than a new way of looking at how and where we work. Instead, it is a sociocultural metamorphosis affecting the fundamental connection and expectations between employer and employee. And it's not over.

This video presentation will help employers who are ready to explore what might grow from today's chrysalis of challenges, and will provide strategies for building and sustaining employment relationships that meet the needs of employees and employers alike: productive, diverse, satisfied and committed to the future, together.

1:15 p.m. — 1:30 p.m.

Break

1:30 p.m. — 2:30 p.m.

2A Breakout | Top 10 Wage and Hour Compliance Traps

Wage and hour law is never static. It's in a constant state of uncertainty. Everyday, decades-old statutes are being reinterpreted in real time, industry practices are being questioned by plaintiffs' lawyers, and new technologies and business models are redefining conventional notions of what constitutes "employment."

We will use a top-10 format to outline the most notable wage and hour compliance traps, including compliance for a remote workforce, calculating overtime for hourly workers, "wandering worker" challenges, and so much more. You will leave with a better understanding on how to develop strategic solutions and implement practical measures that will benefit and sustain your workforce, ensure compliance, and reduce risk.

Timothy Anderson, Alex Frondorf

2B Breakout | Conducting Lawful Investigations in the Evolving Workplace

The need to maintain proper complaint response procedures and conduct lawful workplace investigations effectively remains a critical piece of an employer's compliance obligations. The recent full-tilt shift to virtual video conferencing provides an opportunity to expand an investigator's efficiency but also poses challenges regarding effective interviewing and information gathering techniques in the virtual context. This session will address strategies responsive to these recent developments. The panelists will discuss how to implement effective investigative techniques for the emerging paradigm while maintaining a foundation for effective internal workplace investigations that achieves compliance and improves organizational culture on multiple levels.

Amy Ryder Wentz, Jennifer Orr

2:30 p.m. — 2:45 p.m.

Break

2:45 p.m. — 3:45 p.m.

3A Breakout | Help! We Keep Getting Sued Over Access to Our Websites and Physical Locations...What Can We Do About It?

Lawsuits for discrimination in public accommodation under Title III of the Americans with Disabilities Act have increased 300% over the last five years. This number does not even account for the many claims filed under similar state public accommodation laws. What's going on here? This session explores the top reasons why companies get sued for violating public accommodation laws and the tough questions they must grapple with to prevent claims, including:

- What does it mean to have an "accessible" website?
- How can my employees tell the difference between a true service animal and a pet? What about "emotional support" animals?
- How can my employees allow a patron with a disability to participate in the services our business offers, if those employees think that participation will pose a safety threat?
- How far do my employees need to go in order to assist a patron with disabilities? When is a request just "too much"?
- Why do I keep getting sued for physical barrier violations when I know we meet the minimum guidelines?
- When does federal law (e.g., the Air Carrier Access Act) pre-empt the rules under state law?

Please join us as we tackle these questions and provide employers with compliance strategies and practical responses to customers.

Mark Phillis, Trevor Hardy, John Hofstetter

3B Breakout | A Practical Primer on Inclusion, Equity & Diversity Programs

IE&D is a business necessity for many employers because of its bearing on engagement and collaboration in the workplace, legal compliance, branding, business opportunities, recruitment, and retention. Cutting edge initiatives include analyzing important diversity metrics and navigating the legal landscape and cultural issues that are inevitably associated with this topic.

In this session, Littler attorneys offer their extensive and unique experience in creating, implementing and managing legally compliant IE&D programs. Panelists will also share their informed perspectives on legal and compliance issues regarding IE&D and discuss how clients facing crisis situations in the IE&D space can navigate resolution without incurring reputational harm.

Lisa Kathumbi, Lysette Roman

3:45 p.m.

Cocktail Reception